

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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MICHAEL O'LEARY as Administrator	:	
Ad Prosequendum for the Estate of	:	
Shawn Patrick O'Leary, Deceased	:	
	:	NO:2-16-CV-01393
vs.	:	
	:	JURY TRIAL DEMANDED
WEXFORD HEALTH SOURCES,	:	
INC.; RAUL YANKELEVICH, M.D.;	:	
STEPHEN RITZ, D.O.	:	

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**ORDER**

AND NOW this day            of            , 2019, it is hereby ORDERED and DECREED that John L. Rollins' Amended Motion to Withdraw Appearance as Attorney for Plaintiff, Michael O'Leary, as Administrator Ad Prosequendum for the Estate of Shawn Patrick O'Leary, Deceased, is GRANTED.

BY THE COURT:

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JOHN R. PADOVA  
United States District Senior  
Judge

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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MICHAEL O'LEARY	:	
as Administrator Ad Prosequendum	:	
for the Estate of	:	
Shawn Patrick O'Leary, Deceased	:	
	:	
Plaintiff	:	Jury Trial Demanded
	:	
vs.	:	
WEXFORD HEALTH SOURCES,	:	
INC., et al.	:	No. 2:16-cv-01393-JP
	:	
Defendants	:	

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**AMENDED MOTION OF JOHN L. ROLLINS TO WITHDRAW  
APPEARANCE AS ATTORNEY FOR PLAINTIFF, MICHAEL OLEARY, AS  
ADMINISTRATOR AD PROSEQUENDUM FOR THE ESTATE OF SHAWN  
PATRICK O'LEARY, DECEASED**

John L. Rollins, attorney for Plaintiff, Michael O'Leary, as Administrator Ad Prosequendum for the Estate of Shawn Patrick O'Leary, Deceased, request leave to withdraw as counsel for plaintiff Michael O'Leary, as Administrator Ad Prosequendum for the Estate of Shawn Patrick O'Leary, Deceased, and in support thereof, it is averred as follows:

1. The petitioner is John L. Rollins, who is the counsel of record for Plaintiff Michael O'Leary, as Administrator Ad Prosequendum for the Estate of Shawn Patrick O'Leary, Deceased, in the above-captioned case;

2. A complaint alleging civil rights violations by the defendants Wexford Health Sources, Inc., Stephen Ritz, D.O., and Raul Yankelevich, M.D., who were involved in Shawn Patrick O'Leary's medical care during his incarceration at the relevant times as indicated in the second amended complaint, were named defendants;

3. The complaint was filed under § 1983 of the Civil Rights Act, and state related medical malpractice claims and alleged, *inter alia*, that Mr. O'Leary's civil

rights were violated arising out of defendants' deliberate indifference to his serious medical condition/need.

4. The complaint was filed with the Court on March 26, 2016, an amended complaint was filed on July 15, 2016, and a second amended complaint was filed on February 23, 2017.

5. On May 25, 2018, John L. Rollins filed a Motion Pro Hac Vice with respect to the application of Sonia Perez Chaisson and on May 29, 2018 an Order was entered by this Court granting this application.

6. Shawn Patrick O'Leary passed away on September 19, 2019, and subsequently his father, Michael O'Leary, was substituted as plaintiff on behalf of the Estate of Shawn Patrick O'Leary on March 25, 2019.

7. Undersigned counsel now has irreconcilable differences with his client concerning this civil case. It is believed and therefore averred that upon the advice and/or direction of Sonia Perez Chaisson, Mr. Michael O'Leary on Wednesday, November 20, 2019 at 10:47 a.m. telephoned the undersigned and left a voicemail firing and dismissing him from the case (unknown until recently, Ms. Chaisson contacted Mr. Michael O'Leary and family numerous times disparaging/discrediting the undersigned's role and work regarding the subject case despite her lack of any writings or any filings of documents regarding this case other than her "Motion for Reconsideration" so as to seize complete control over the case for potential settlement proceeds after the undersigned initiated, financed including paying for this Court's September 17, 2019 sanction of \$1,000.000, and did all the work regarding the case with the exception of one deposition). The undersigned and Sonia Perez Chaisson strongly disagreed about her conduct during Honorable Timothy R. Rice's November 19, 2019, telephone settlement conference with counsel and immediately upon the end

of the conference Ms. Chaisson called plaintiff, Michael O'Leary to give him her version of same. The undersigned then called plaintiff and informed him that Judge Rice ended the November 19, 2019, telephone settlement conference because of Sonia Perez Chaisson's unprofessional and disrespectful conduct. On November 26, 2019, Sonia Perez Chaisson filed a Motion for Reconsideration (ECF, 93) she writes in part, that " I respectfully requests the Court reconsider its November 20, 2019 order, and allow me to continue representing plaintiff Michael O'Leary in this matter.

Additionally, Mr. Michael O'Leary desires that I continue to represent him in this case. By way of further explanation there has been a great deal of animosity between Michael O'Leary and attorney John L. Rollins, and I have been advised by Mr. O'Leary that he has discharged Mr. Rollins, See Rule 1.16(a)(30)." The undersigned has no animosity towards Michael O'Leary and was without any knowledge whatsoever that Mr. O'Leary had any animosity towards him and/or was dissatisfied with his legal representation until the aforesaid November 20, 2019 voicemail.

Further, the undersigned sent a letter to Plaintiff on November 21, 2019 along with enclosures via U.S.A Postal Service Priority Mail and telephoned and texted Plaintiff on November 25, 2019 without any response other than "Be" assuming that the within Motion be filed. *See*, undersigned's November 21. 2019 letter attached hereto as Exhibit "A". It is believed and therefore averred that despite being removed from the above-captioned case by this Court's Order of November 20, 2019, removing Ms. Chaisson from this case she continues to give legal advice to Plaintiff.

8. On November 29, 2019, the undersigned counsel received a certified letter from Plaintiff, Michael O'Leary, as Administrator Ad Prosequendum for the Estate of Shawn Patrick O'Leary, Deceased. Mr. O'Leary writes in this letter the following: "Dear John Rollins, This letter confirms that I fired you on November 20, 2019 at



10:35 AM. Please do not attend the Settlement Conference held on December 2, 2019 Sincerely Michael O'Leary." Since, the undersigned counsel has been fired by Mr. Michael O'Leary an obvious Conflict exists and the undersigned cannot represent Plaintiff. in any proceeding. *See*, Plaintiff, Michael O'Leary's November 27. 2019 letter (mailed on said date) attached hereto as Exhibit "B".

9. Undersigned counsel would prefer to reveal any further information to the Court, *in camera*, to protect the interests of Plaintiff.

WHEREFORE, petitioner requests authorization from the Court to withdraw as attorney for Michael O'Leary, as Administrator Ad Prosequendum for the Estate of Shawn Patrick O'Leary, Deceased in the above-captioned case and requests this Honorable Court enter an Order confirming same.

Respectfully submitted,

By: S/John Rollins, Esquire  
John L. Rollins, Esquire

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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MICHAEL O'LEARY	:	
as Administrator Ad Prosequendum	:	
for the Estate of	:	
Shawn Patrick O'Leary, Deceased	:	
	:	
Plaintiff	:	Jury Trial Demanded
	:	
vs.	:	
WEXFORD HEALTH SOURCES,	:	
INC., et al.	:	No. 2:16-cv-01393-JP
	:	
Defendants	:	

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**MEMORANDUM OF LAW**

The Court has inherent power to allow counsel to withdraw if there are irreconcilable differences between attorney and client. *Commonwealth v. Alvin Tyler*, 360 A.2d 617 (Pa. 1976). Such power is inherent in the federal judiciary, as well.

Respectfully submitted,

By: S/John Rollins, Esquire  
John L. Rollins, Esquire

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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MICHAEL O'LEARY	:	
as Administrator Ad Prosequendum	:	
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Shawn Patrick O'Leary, Deceased	:	
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Plaintiff	:	Jury Trial Demanded
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**AMENDED MOTION OF JOHN L. ROLLINS TO WITHDRAW  
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ADMINISTRATOR AD PROSEQUENDUM FOR THE ESTATE OF SHAWN  
PATRICK O'LEARY, DECEASED**

**EXHIBIT "B"**

**MR. MICHAEL AND MRS. KATHLEEN O'LEARY'S NOVEMBER 27, 2019  
LETTER MAILED TO JOHN L. ROLLINS, ESQ. VIA CERTIFIED MAIL**

Dear John Rollins,

This letter confirms that I  
fired you on November 20, 2019  
at 10:35 AM. Please do not contact  
me and please do not attend the  
Settlement Conference held on  
December 2, 2019

Sincerely

Michael Chuang



**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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MICHAEL O'LEARY	:	
as Administrator Ad Prosequendum	:	
for the Estate of	:	
Shawn Patrick O'Leary, Deceased	:	
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Plaintiff	:	Jury Trial Demanded
	:	
vs.	:	
WEXFORD HEALTH SOURCES,	:	
INC., et al.	:	No. 2:16-cv-01393-JP
	:	
Defendants	:	

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**CERTIFICATE OF SERVICE**

I John L. Rollins, Esquire, hereby certify that true and correct copies of the foregoing Motion of John L. Rollins to Withdraw Appearance as Attorney for Plaintiff, Michael O'Leary, as Administrator Ad Prosequendum for the Estate of Shawn Patrick O'Leary, Deceased, were served upon the following via the Court's electronic mail system, on December 02, 2019, on behalf of the Defendants, Wexford Health Sources, Inc., Raul Yankelevich, M.D., and Stephen Ritz, D.O.:

Emily B. Ryan-Fiore, Esquire  
eryan@wglaw.com

Plaintiff, Michael O'Leary  
107 Whitley Drive  
Audubon, PA 19403

Kenneth D. Powell, Jr., Esquire  
kpowell@wglaw.com

Via First Class Mail

Caitlin J. Goodrich, Esquire  
cgoodrich@wglaw.com

WEBER GALLAGHER SIMPSON  
STAPLETON FIRES & NEWBY, LLP  
2000 Market Street, 13<sup>th</sup> Floor  
Philadelphia, PA 19103  
Attorneys for Defendants

By: S/John Rollins, Esquire  
John L. Rollins, Esquire  
johnrollinsesq@gmail.com  
Law Office of John L. Rollins  
1408 Burke Road  
West Chester, PA 19380  
Telephone : (215) 512-4219  
Facsimile : (484) 879-6770